



London Borough of
Richmond Upon Thames

Local enforcement plan

June 2024

“ Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate. ”

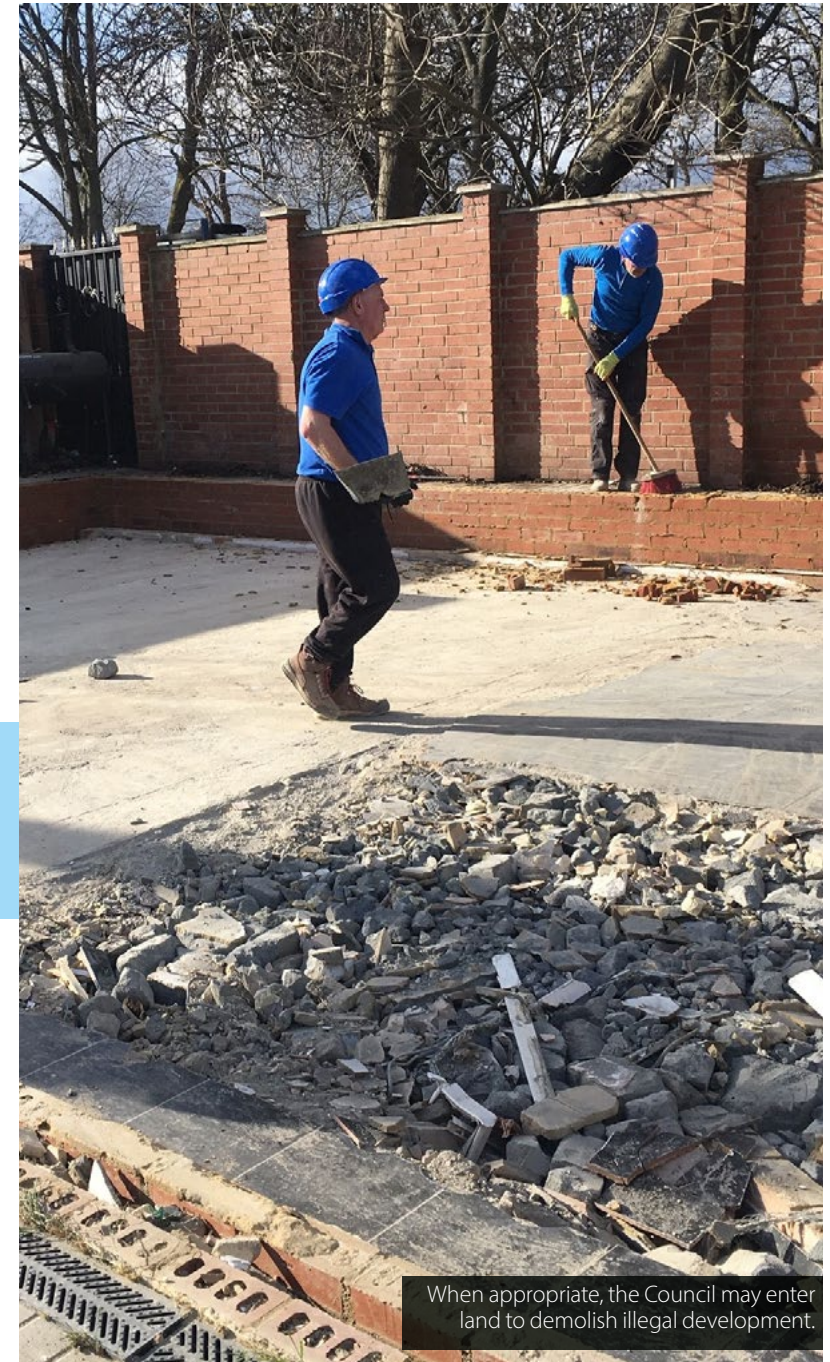
Para 60 – National Planning
Policy Framework (2024)



1 Introduction

- 1.1** As the Local Planning Authority, the Council is responsible for investigating suspected breaches of planning control reported by members of the public. Our Local Enforcement Plan explains how we carry out our enforcement duties, what our priorities are and the types of enforcement action that may be taken.
- 1.2** The Government's National Planning Policy Framework (2024) explains that effective enforcement is important to maintain public confidence in the planning system and its decision-making process. It is necessary to address

breaches of planning control that have an unacceptable impact on amenity or are otherwise contrary to planning policy objectives
[gov.uk/guidance/national-planning-policy-framework](https://www.gov.uk/guidance/national-planning-policy-framework). National Planning Policy Practice Guidance gives more detailed advice on the enforcement process and should be read in conjunction with our Local Enforcement Plan.
[gov.uk/guidance/ensuring-effective-enforcement](https://www.gov.uk/guidance/ensuring-effective-enforcement)



When appropriate, the Council may enter land to demolish illegal development.

2 What we can and cannot investigate

2.1 Planning enforcement concerns suspected breaches of planning control and the scope of what we can investigate is limited to matters that fall within the planning regime.

These include:

- Development carried out without planning permission
- Material changes in land-use
- Breaches of a planning permission, its conditions or S106 agreement
- Illegal advertisements
- Unauthorised works to a listed building
- Unauthorised works to protected trees
- Demolition in conservation areas
- Untidy land
- High-hedges

2.2 We cannot investigate concerns that fall outside of the scope of planning, for example private civil matters, neighbour disputes or issues that are regulated by other legislation.

Some examples of common complaints that are not planning matters include:

- Party-wall disputes
- Boundary disputes or trespass
- Deeds and covenants
- Neighbour disputes or the conduct of builders
- Building Regulation issues
- Health and safety concerns
- Environmental issues regulated by other legislation
- Internal works to non-listed buildings
- Public rights of way
- Highways obstructions

2.3 We have listed some helpful contacts below that may be able to assist, if your concern is not a planning matter:

- **Building control**
- **Building safety**

[Building Control Team](#)

- **Citizens advice, private civil matters**

[Citizens Advice Bureau](#)

- **Health and safety issues**

[The Health and Safety Executive](#)

- **Highways problems**

[Highways and Street Team](#)

- **Noise and nuisance**
- **Antisocial behaviour**
- **Pollution**

[Environmental Services Team](#)



Council operatives taking enforcement action against illegal development on the River Thames.

3 Our Priorities

3.1 Our resources will be focussed on the most severe breaches of planning control. These are usually those that cause irreversible harm to heritage assets, protected trees and those that cause serious harm to the living conditions of residents or local amenity. We will try and investigate all breaches reported to us, but we may take a little more time to look into minor technical breaches.

3.2 It is important for us to operate in an open and transparent manner, so we have published our enforcement priorities:

Priority Level

Priority 1 –
Irreversible harm

Type of breach

- Works that are harmful to listed buildings
- Demolition of buildings in conservation areas
- Damage to protected trees.

Site visit target

1 working day (depending on severity)

Priority Level

Priority 2 –
medium harm

Type of breach

- Development causing unacceptable harm to residential amenity
- Development that harms the character of a conservation area
- Inappropriate commercial uses
- Breaching of planning conditions that cause noise, disturbance or loss of privacy
- Loss of permanent dwellings or the creation of substandard homes

Site visit target

10 working days

Priority Level

Priority 3 –
Minor technical breaches or those that cause little or no harm.

Type of breach

- Development or breaches of where minimal harm is anticipated
- Temporary breaches
- Breaches that would be likely to be granted planning permission
- Estate agent boards and small advertisements

Site visit target

15 working days



Enforcement action being taken against an illegal building.

3.3 We request that all suspected breaches are reported via our Citizen's Portal [Planning enforcement - London Borough of Richmond upon Thames](#). This allows to us track and monitor your report and ensure that it's allocated to the most appropriate officer to investigate. If you are not able to access the portal, you can send a written report to

The Planning Enforcement Team,
Richmond Council, Civic Centre,
44 York Street, Twickenham,
TW1 3BZ
or telephone us on: 020 8891 1411.

3.4 If you report a breach to us your details are kept strictly confidential in-line with the General Data Protection Regulations (GDPR) and the Data Protection Act 2018 (DPA). Our Data Protection Policy sets out how we comply with these regulations: [richmond.gov.uk/data_protection](#).

3.5 When you submit a breach it is important that you include your name and contact details as we may need to talk to you to gain further information and understand how the breach affects you. We do not investigate anonymous or vexatious complaints.

4 Enforcement principles

4.1 There are some general principles that are fundamental to the planning enforcement process and how we carry out our duties.

Expediency

4.2 The Council is not required to enforce simply because a breach has occurred. Enforcement action is discretionary and where a breach causes little or no harm, or where it may otherwise accord with our planning policies, we may conclude that it would not be expedient to take enforcement action. This means that there would be no justifiable planning reasons to enforce or little to gain from doing so. As a general rule, if planning permission would likely have been granted had an application been received, it would not be appropriate to enforce. This in-built discretion is how the Government intends this form of regulation to operate.

Informal and formal action

4.3 Where enforcement action is necessary, the Council will usually try to resolve the situation informally at first through negotiation with the responsible party. If this is not successful, or in the case of severe breaches, we have a range of enforcement powers at our disposal. These include service of enforcement notices and enforcement warning notices, breach of condition notices, section 215 (untidy land) notices, listed building enforcement notices, discontinuance notices, high court injunctions and criminal proceedings where an offence has been committed. In some cases we may also exercise our default powers and enter land to carry out remedial works. Where this type of action is taken we will seek to claim our costs from the land-owner. Appendix A lists these powers in more detail.

Proportionality

4.4 Use of these powers must be carefully weighed up against the severity of the breach. National policy explains that enforcement action should be proportionate to the harm caused and should take into account the Council's adopted planning policies and other relevant material considerations. We must also consider the impact of our actions on affected parties, including their human rights. Our adopted Local Plan and supplementary planning documents guides our decision making. These policies can be found on our website here: Local Plan [richmond.gov.uk](https://www.richmond.gov.uk)

Communications

4.5 If you have reported a breach and an investigation is started, we will send you an acknowledgement letter confirming the investigation reference and the name of the investigating officer. We will aim to keep you updated at key points in the enforcement process, for example when a site visit has been carried out and we have confirmed if there is or isn't a breach, when we have decided what action (if any) to take and when the case is recommended to be closed.

Time limits

4.6 Breaches of planning control become lawful after a period of 10 years continuous breaching. If immunity is being claimed, the onus is placed squarely on the owner or developer to provide evidence that proves their case on the balance of probability.

This is set out under section 171B of the Town and Country Planning Act 1990

legislation.gov.uk/ukpga/1990/8/section/171B

There is no time limit for enforcement of unauthorised works to listed buildings.

4.7 The '10 year rule' was introduced by the Government on April 25th 2024. Works completed prior to this date and any change of use involving the creation of a new self-contained residence that commenced before this date, will have a 4 year time limit for enforcement.

Your role

4.7 We may ask you for further information in the form of written statements, logs, photographs or evidence. If an investigation progresses to court or an appeal is lodged you may also be asked to appear as a witness or give evidence. Your help can be an essential component of taking successful enforcement action.

5 The Enforcement Process

- 5.1** Every enforcement case is different and how it progresses will depend on a number of factors including gaining access to the site, the willingness of the offender to co-operate, the complexity of the issues being dealt with, the resources we have available and whether an appeal or legal challenge is mounted against any enforcement action.
- 5.2** There is however a general 'process' that most cases broadly follow and this shown in the flow-chart in [Appendix B](#) to help you understand the steps and procedures.

6 Monitoring and performance

- 6.1** To ensure we operate in a transparent way and are accountable to elected officials our performance is monitored on a monthly basis. This includes how many breaches are resolved and how many instances of formal enforcement action are taken.
- 6.2** When a case is closed, its contents are publicly available through the Freedom of Information Act, although sensitive information such as people's names, contact details or private photographs may be redacted. We will not disclose the names of people who have reported a breach to us.



Officers will usually seek to resolve a breach informally through negotiation in the first instance.

Appendix A

Enforcement Powers Available to the council

Breach of Condition Notice (BCN)

Issuing a BCN where the unauthorised activity is in breach of a condition attached to a planning permission. It is an alternative to an enforcement notice and requires compliance with the condition. Failure to comply is a criminal offence and there is no right of appeal.

Court injunction

We could apply to the Court for an Order preventing an activity, or operation, taking place. Failure to comply with such an Order is a criminal offence.

Criminal proceedings

Where a breach has occurred that amounts to a criminal offence, we may seek to prosecute those responsible for the breach. Such action is usually reserved for the most serious breaches of planning control or where there is clear inaction to comply with an enforcement notice. Where such proceedings are successful, the Courts have powers to issue fines. The council may also consider applying for an order to confiscate any financial benefit accrued from the offence.

Default Powers (direct-action)

Ultimately we may enter land and take action necessary to secure compliance with enforcement notices. However, this power is only used in the most extreme of circumstances. We will then seek to recover all such associated costs.

Discontinuance Action

Where an advert benefiting from deemed-consent may in any event be causing serious harm to visual amenity or a danger to the public, we can issue a discontinuance notice which revokes the deemed-consent and requires removal of the advertisement.

Enforcement notices

Issuing an enforcement notice, which is a legal document requiring the owner/occupier to take specific steps to remedy the planning breach within a specified time. Failure to comply with the notice results in the breach becoming a criminal offence, which can be prosecuted in the courts. The notice may be appealed to an independent government Planning Inspector who can decide to uphold the notice, amend it or have it quashed. The requirements of the notice are suspended during the appeal process. Interested parties can make representations to the appeal.

Listed Building Enforcement Notices

Where unauthorised works have been carried out to a listed building, a listed building enforcement notice may be served requiring remedial works be carried out to remove any unauthorised additions and reinstate features of historic or architectural importance.

Listed Building Repairs Notice

If a listed building has been neglected and fallen into a poor condition, a listed building repairs notice may be served requiring detailed steps be carried out to bring the building back into a good state of preservation. Failure to comply with the notice may allow the council to apply to the Secretary of State for an Order to acquire the property.

Planning Contravention Notice (PCN)

Issuing a PCN, which is a legal notice to bring the breach to the attention of the owner/occupier and requires the alleged contravener to provide certain information within 21 days. Failure to respond could result in prosecution in the Magistrates Court.

Removal of Advertisements

In some cases, the council can remove advertisements displayed in breach of planning regulations providing the required notice is served on those responsible for its display.

Section 215 Notices

Issuing a Notice under Section 215 of the Town and Country Planning Act 1990, which is a legal document requiring the owner/occupier to remedy the condition of the land or building and provides a minimum of 28 days before it takes effect. Failure to comply with the Notice is a criminal offence. In such circumstances the council also has powers to enter the land, carry out the work itself and recover the costs of so doing from the owner. There is no right of appeal, but if the Council prosecutes for non-compliance, the owner may put their case to the Magistrates.

Stop Notices and Temporary Stop Notices

Issuing a Stop Notice in conjunction with an enforcement notice in order to require the cessation of works that are causing serious harm. Contravention of such a notice gives a liability of immediate prosecution. Issuing a Temporary Stop Notice, which has similar force to a Stop Notice, but is only valid for 28 days and does not require an associated enforcement notice.

Urgent Works Notice

Where a listed building requires immediate steps be taken to make it structurally safe and weatherproof, an urgent works notice may be served requiring those steps to be taken within 7 days. In the event of non-compliance, the council may enter the land and carry out the works in default. Any costs incurred will be charged to the owner.

Appendix B

Enforcement Powers Available to the council

